GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Commercial Taxes and Transport Departments – Surprise Check conducted over the Boarder Check Post of Road Transport Authority and Commercial Tax Department, Near Cattle Farm, Palamaner, Chittoor District on 27-07-2014 – Allegations of Corruption – Common disciplinary proceedings initiated – Inquiry under Rule 20 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991 - Article of Charges framed against Sri G.Prakash, Asst. Commercial Taxes Officer, Boarder Check Post,Commercial Tax Department - Orders – Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.508 Dated :28-04-2016
Read :

G.O.Ms.No.175, Revenue (Vigilance – II) Department, Dated:28-04-2016.

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O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference read above, it is considered necessary to hold an enquiry against Sri G.Prakash, Assistant Commercial Taxes Officer, (Suspected Officer-5) Boarder Check Post, Commercial Tax Department, Palamaner, Chittoor District under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri G.Prakash, Asst. Commercial Taxes Officer (Suspected Officer-5) Boarder Check Post, Commercial Tax Department, Palamaner, Chittoor District is directed to submit within ten days of the receipt of this order a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. G.Prakash, Asst. Commercial Taxes Officer (Suspected Officer-5) Boarder Check Post, Commercial Tax Department, Palamaner, Chittoor District is further informed that if he does not submit his written statement of defense on or before the date specified in para 2 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of G.Prakash, Asst. Commercial Taxes Officer (Suspected Officer-5) Boarder Check Post, Commercial Tax Department, Palamaner, Chittoor District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to

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his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA RADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri G.Prakash, Asst. Commercial Taxes Officer, (Suspected Officer-5) Boarder Check Post, Commercial Tax Department , Palamaner, Chittoor District (w.e, Annexures I to IV)
through the Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad.
(with a request to serve the order on the individual and send the served copy with dated signature to Government)

Copy to

1.The Commissioner of Commercial Taxes,
Andhra Pradesh, Hyderabad.
2.The Secretary to Vigilance Commissioner,
Andhra Pradesh Vigilance Commission, Hyderabad.
3.The Director General, Anti Corruption Bureau,
Andhra Pradesh, Hyderabad.
4.The Deputy Commissioner, Commercial Taxes, Chittoor District.
5.The Revenue (Commercial Tax-I) Department.
SF / SC.

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SECTION OFFICER

ANNEXURE - I

ARTICLES OF CHARGES FRAMED AGAINST SRI G.PRAKASH, AGE 54 YEARS, ASSISTANT COMMERCIAL TAXES OFFICER, BOARDER CHECK POST, COMMERCIAL TAX DEPARTMENT, PALAMENER, CHITTOOR DISTRICT.

That G.Prakash having joined Government service as Junior Assistant on 04-04-1984 in Commercial Taxes Department and got promoted as Asst Commercial Taxes Officer on 22-03-2010. He worked in the above capacities at various places in Chittoor District. He worked as Asst. Commercial Taxes Officer, Boarder Check Post, Commercial Tax Department, Palamaner, Chittoor District from 01-04-2013 to 27-07-2014. While he was working as Asst Commercial Taxes Officer from 01-04-2013 to 27-07-2014, he has committed grave misconduct in as much as he failed to give satisfactory explanation for un accounted amounts seized from the office premises to tune of Rs.39,000/-.

Further he with the connivance of his staff allowed private person i.e one Dampuri Mallikarjuna unauthorizedly in the Check Post to attend official duties and to collect bribe amounts from the truck/lorry operators passing through the check post on the behalf of the staff. An amount of Rs.2,190/- was seized from the above private person.

Further with the connivance of his staff in the habit of collecting bribe amounts from the truck /lorry operators passing through the Boarder Check Post and the same is evident by voluntary offerings obtained in the counter of Commercial Tax Department during the time of Surprise check to a tune of Rs. 4,000.

Further he was absented for duty with out obtaining granted leave, he simply put his leave letter, he did not bother about granting the leave.

Thus, Sri G. Prakash by his above mentioned acts has exhibited lack of supervision lack of integrity, devotion to duty, conduct unbecoming of a Government servant and thereby contravened Rule 9 (8) (A) ,3(1) (2) & 4(1) of Andhra Pradesh Civil Services (Conduct) Rules,1964 and Memo No.101/Spl.B/2000-4, dated:17-04-2001 of Government General Administration Deprt (Spl.B).

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

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SECTION OFFICER

ANNEXURE —II

STATEMENT OF IMPUTATIONS OF MISCONDUCT AND MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI G.PRAKASH, 55 YEARS, ASSISTANT COMMERCIAL TAXES OFFICER, BOARDER CHECK POST, COMMERCIAL TAX DEPARTMENT, PALAMENER,CHITTOOR DISTRICT.

That Sri G. Prakash is a native of Srikalahasthi, Chittoor District. His date of birth is 01-07-1960. He entered into Government service as Junior Asst., on 04-04-1984 in Commercial Taxes Department and got promoted as Asst Commercial Taxes Officer on 22-03-2010. He worked in the above capacities at various places in Chittoor District. He worked as Asst Commercial Taxes Offcer, Border Check Post, Commercial Tax Department, Palamaner, Chittoor District from 01-04-2013 to 27-07-2014. He was drawing a basic pay of Rs.25,600/- in the scale of pay Rs.14,860/- to Rs.39,540/- as on 27-07-2014. His superannuation is on 30-06-2020. He is here-in-after referred to as Government Servant.

FACTS & EVIDENCE:

Basing on the credible information that the officials working in the Boarder Check Post, Commercial Tax Department, Palamaner, Chittoor District were indulging in corrupt and illegal practices and were collecting illegal gratifications/bribes from the drivers/cleaners of the vehicles passing through the check post by allowing them to pass through the check post without check for the irregularities being committed by them, a surprise check was conducted on Boarder Check Post, Commercial Tax Department, Palamaner, Chittoor District on 27-07-2014 from 04:10 Hrs to 08:00 Hrs in the presence of official independent witnesses.

Being the duty incharge officer for the commercial taxes at the boarder check post he had to perform his legitimate duties of verification of documents of incoming goods vehicles, to collect taxes/penalties and user charges etc.,. Whereas, he has found using his official position for his pecuniary gains causing laws to the government revenue. He unauthorisedly, absented himself for duty without taking prior permission of leave from the authorities of concerned. Thus, the above has contravened Rule 3 (1)(2) and (5) and 4(i) Andhra Pradesh Civil Services (Conduct) Rules and G.O. Ms No.381 SC Department dated:08-12-2003 enunciates that a Government Servant who habitually fails to perform the task assigned to him within the time set for the purpose of and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty.

Further, the Government Servant with the connivance of his staff allowed private person i.e. one Dampuri Mallikarjuna, S/o Late D. Krishnaiah, age 29 years, R/o D.No.175, Kaikala Street, Srikalahasthi unauthorized in the check post to attend official duties and to collect bribe amounts from the truck/lorry operators passing through the check post on behalf of the staff. An amount of Rs.2,190/- was seized from the above private person present at the check post. On examination, one Dampuri Mallikarjuna the private person present at the check post categorically stated that he was working as a private person since 9 months in the Commercial Tax Department assisting the staff in stopping the vehicles and collecting an amount of Rs.100/- to Rs.500/- mamools from the vehicle drivers passing through the check post. For assisting them he is being paid by the Deputy Commercial Tax Officer, Assistant Commercial Tax Officers and other staff at the rate of Rs.100/- per shift.

Further, Government Servant was well aware that their subordinates allowed private persons for collection of bribe amounts from the truck operators passing through the check post. On the day of Surprise Check an amount of Rs.4,000/- was received an voluntary offering from the truck operators passing through the check post, which clearly indicates that the

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Government Servant have failed to curb the illegal practice. It is further evident that the Government Servant have colluded with the other staff working in the check post.

Further, in the Memo No.101/Spl.B/2000-4 dt.17-04-2001 of Government of Andhra Pradesh General Administration Dept (Spl.B) instructions were issued that no manual or any procedure prescribed to engage a private person to perform certain officials duties during the course of departmental activity. Therefore, the Government Servant had also contravened the guidelines contained in the Memo.No.101/Spl.B/2000-4, G.A. (Spl.B) Dept, dated:17-04-2001.

Thus, the Government Servant Sri G.Prakash by his above mentioned act has exhibited lack of supervision, lack of integrity, lack of devotion to duty and conduct, unbecoming of Government Servant and thereby violated Rule 3 (1), (2), 9(8)(A) & 4 (1) of Andhra Pradesh Civil Services (Conduct) Rules, 1964. And also violating the instructions of Memo No.101/Spl.B/2000-4, dated:17-04-2001 of Government General Administration Department (Spl.B).

The Government Servant has therefore rendered himself liable for regular Departmental Action.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

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ANNEXURE —III

LIST OF WITNESSES:-

1. Kullareddygari Somasekhara Reddy, S/o. Late. K.Venkata Reddy, Age-50, Assistant B.C. Welfare Officer, Chittoor, R/O. D.No. 6/539, Gudiyatham Road, Palamaner, Chittoor district. Cell. No. 9849904511.
2. Velamjery Sai Thiruvengalam, S/o. Velamjery Prabhakar, Age-33, Junior Assistant, District B.C.Welfare Office, Chittoor, R/o. D.No. 4-567/A2, Durganagar colony, Chittoor. Cell No. 9491844914.
3. Nallapu Muni Venkatappa, S/o. Late. N.Chinnaiah, Age-54, Assistant B.C.Welfare Officer, Tirupati, R/o. D.No. 9-128/10, Vijayapuram, Satyanarayanapuram, Tirupati. Cell No. 9849904514.
4. Namburi Raja Gopal Naidu, S/o. Venkata Ramana, Age-54, Hostel Welfare Officer, Govt. B.C. Boys Hostel, Chenna Reddy colony, Tirupati, R/o. Flat No. 208, Dreams Avenue, Old Renigunta road, Tirupati. Cell No. 9440094623.
5. V.Chalapathi, S/o. Venkatappa, Age-23, R/o. Gandlapalle, Gangavaram mandal, Chittoor district, Cleaner of Lorry driver bearing no.AP27 V 7488. Cell.No. 8125059563.
6. Padigath Praveen, S/o. Late. P.Ankaiah, Age-38, Driver of Eicher bearing no. AP03 Y 9979, R/o. D.No. 16-1-3-2, Thummalagunta village, Tirupati. Cell.No. 9492629008.
7. Nuthalapati Anil Kumar, S/o. Late. Lakshmaiah, Age-36, Driver of Tourist bus bearing No. AP26 TA 3921, R/o. Gangapatnam village, Indukur mandal, Nellore district. Cell.No. 9441538167.
8. Thangavelu Kuppuswamy, S/o. Late. Thangavelu, Age-39, Driver of lorry bearing no. TN52 C 1692, R/o. D.No. 36-63, Galinayaknoor village, Dharmapuri district. Tamilnadu. Cell. No. 9489753415.
9. Kuppalingam Subramanyam, S/o. Late Kuppalingam, Age-55, Driver of lorry bearing no. KA 06 C 6052, R/o. D.No.2, Valliamman street, Sarvanpetai, Vellore district.
10. Dampuri Mallikarjuna, S/o. Late. D.Krishnaiah, Age-29, R/o. D.No.175, Kaikala street, SKHT, Cell. No. 9966354155.
11. Sri. A.Sankar Reddy, Dy.Supdt. of Police, ACB, Tirupati Range, Tirupati.
12. Sri. K. Chandra Sekhar, Inspector of Police, Anti Corruption Bureau, Tirupati Range, Tirupati.
13. D.Partha Sarathi Reddy, Inspector of Police, Anti Corruption Bureau, Kadapa, Tirupati Range.
14. P. Prasad Rao, Inspector of Police, Anti Corruption Bureau, Kurnool Range,Kurnool.

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

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ANNEXURE —IV

LIST OF RECORDS/DOCUMENTS: -

1) Original Surprise Check proceedings 2 drafted on 27-07-2014 from 00:10 Hrs to 07:00 Hrs at the Boarder Check Post, Palamaner, Chittoor Dist.,
2) Attendance Register of Commercial Taxes Department of Boarder Check Post,Palamaner, Chittoor Dist.,
3) Lr.No Jr.01/2/2014, dt: 11-08-2014 of Deputy Commercial Tax Officer, Border Check Post, Palamaner,
4) Ref No. B1/163/2014, Dated:19-08-2014 of Deputy Commissioner (Commercial Tax), Chittoor District.
5) Statement of V.Chalapathi, S/o Venkatappa, Age-23, R/o Gandlapalle, Gangavaram mandal, Chittoor district, Cleaner of Lorry driver bearing no.AP27 V 7488. Cell.No. 8125059563.
6) Statement of Padigath Praveen, S/o Late P.Ankaiah, Age-38, Driver of Eicher bearing no.AP03 Y 9979, R/o. D.No.16-1-3-2, Thummalagunta village, Tirupati. Cell.No. 9492629008.
7) Statement of Nuthalapati Anil Kumar, S/o Late Lakshmaiah, Age-36, Driver of Tourist bus bearing No. AP26 TA 3921, R/o. Gangapatnam village, Indukur mandal, Nellore district. Cell.No. 9441538167.
8) Statement of Thangavelu Kuppuswamy, S/o Late Thangavelu, Age-39, Driver of lorry bearing no. TN52 C 1692, R/o. D.No. 36-63, Galinayaknoor village, Dharmapuri district. Tamilnadu. Cell. No. 9489753415.
9) Statement of Kuppalingam Subramanyam, S/o Late Kuppalingam, Age-55, Driver of lorry bearing no. KA 06 C 6052, R/o. D.No.2, Valliamman street, Sarvanpetai, Vellore district.
10) Statement of Dampuri Mallikarjuna, S/o Late D.Krishnaiah, Age-29, R/o. D.No.175, Kaikala street, SKHT, Cell.No. 9966354155

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